

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL EDWARD SMITH,  
Petitioner,

FILED : CIVIL ACTION

JAN 31 2014 :

JOHN E. WETZEL, et al.  
Respondents.

MICHAEL J. KUNZ, Clerk :  
By \_\_\_\_\_ Dep. Clerk :

: NO. 13-3705

ORDER

BERLE M. SCHILLER, J.

AND NOW, this 31 day of JAN, 2014, upon careful and independent consideration of the petition for Writ of *Habeas Corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

- i. The Report and Recommendation is APPROVED and ADOPTED.
- ii. The petition for Writ of *Habeas Corpus* is STAYED and held in ABEYANCE until the conclusion of petitioner's state court proceedings.
- iii. Petitioner shall notify this federal court within forty-five (45) days following the conclusion of his state court proceedings. If petitioner does not return to federal court within forty-five (45) days following the conclusion of state proceedings, this stay and abeyance order is vacated and his petition is dismissed without prejudice.
- iv. There is no probable cause to issue a certificate of appealability.
- v. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:



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BERLE M. SCHILLER, J.